MALTA

TRIBUNAL GHAL TALBIET ZGHAR

GUDIKATUR DR.
PHILIP MANDUCA

Seduta tad-9 ta' April, 2003

Talba Numru. 1200/2002/1

MSV International Limited

Vs

Rokna Enterprises Limited

It-Tribunal

Ra l-Avviz li fih is-socjeta’ attrici talbet il-hlas ta’ Lm287.04c (mitejn u sebgha u tmenin lira Maltin u erba’ centezmi) rapprezentanti bilanc ta’ prezz ta’ merkanzija mibjugha u debitament ikkonsenjata u servizzi rezi.

Ra r-Risposta fejn is-socjeta’ konvenuta tichad bl-ispejjez kontra s-socjeta’ attrici illi in kwantu l-ammont pretiz jirrigwarda provvista ta’ servizzi preskritt ai termini tal-artikolu 2149(a) tal-Kap. 165 tal-Ligijiet ta’ Malta.

Ra x-xhieda ta’ Anton Camilleri fejn qal li s-socjeta’ konvenuta mhix debitrici tas-socjeta’ attrici.

Ikkunsidra li l-artikolu 2149(a) tal-Kodici Civili jipprovdi li – “actions of …contractors in respect of constructions or other works made of wood, stone or other material, for the works carried out by them or for the materials supplied by them … are barred by the lapse of two years”.

Illi l-Avviz tat-Talba gie pprezentat fit-8 ta’ Mejju, 2002 u s-servizz in kwistjoni allegatament inghata bejn it-12 ta’ Awissu 1998 u 2 ta’ Settembru, 1998.

Ghalhekk jirrizulta li l-eccezzjoni tas-socjeta’ konvenuta ghandha tigi accettata.

Ghaldaqstant jichad it-talba tas-socjeta’ attrici bl-ispejjez kontra l-istess socjeta’ attrici.

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